



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5926

by Rep. Laura Fine

#### SYNOPSIS AS INTRODUCED:

5 ILCS 312/3-104

from Ch. 102, par. 203-104

Amends the Illinois Notary Public Act. Provides that, except as otherwise indicated, the maximum fee in this State for any notarial act performed is \$3.00 (currently, \$1.00).

LRB099 18517 RJF 42896 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Notary Public Act is amended by  
5 changing Section 3-104 as follows:

6 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

7 Sec. 3-104. Maximum Fee.

8 (a) Except as provided in subsection (b) of this Section,  
9 the maximum fee in this State is \$3.00 ~~\$1.00~~ for any notarial  
10 act performed and, until July 1, 2018, up to \$25 for any  
11 notarial act performed pursuant to Section 3-102.

12 (b) Fees for a notary public, agency, or any other person  
13 who is not an attorney or an accredited representative filling  
14 out immigration forms shall be limited to the following:

15 (1) \$10 per form completion;

16 (2) \$10 per page for the translation of a non-English  
17 language into English where such translation is required  
18 for immigration forms;

19 (3) \$1 for notarizing;

20 (4) \$3 to execute any procedures necessary to obtain a  
21 document required to complete immigration forms; and

22 (5) A maximum of \$75 for one complete application.

23 Fees authorized under this subsection shall not include

1 application fees required to be submitted with immigration  
2 applications.

3 Any person who violates the provisions of this subsection  
4 shall be guilty of a Class A misdemeanor for a first offense  
5 and a Class 3 felony for a second or subsequent offense  
6 committed within 5 years of a previous conviction for the same  
7 offense.

8 (c) Upon his own information or upon complaint of any  
9 person, the Attorney General or any State's Attorney, or their  
10 designee, may maintain an action for injunctive relief in the  
11 court against any notary public or any other person who  
12 violates the provisions of subsection (b) of this Section.  
13 These remedies are in addition to, and not in substitution for,  
14 other available remedies.

15 If the Attorney General or any State's Attorney fails to  
16 bring an action as provided pursuant to this subsection within  
17 90 days of receipt of a complaint, any person may file a civil  
18 action to enforce the provisions of this subsection and  
19 maintain an action for injunctive relief.

20 (d) All notaries public must provide receipts and keep  
21 records for fees accepted for services provided. Failure to  
22 provide receipts and keep records that can be presented as  
23 evidence of no wrongdoing shall be construed as a presumptive  
24 admission of allegations raised in complaints against the  
25 notary for violations related to accepting prohibited fees.

26 (Source: P.A. 98-29, eff. 6-21-13.)